

PROB 12A
(7/93)


UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

JAN 24 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

Report on Offender Under Supervision

Name of Offender: Joseph Stephen Friese Case Number: SA-07-CR-73(1)-FB
 Name of Sentencing Judicial Officer: Honorable Fred Biery, United States District Judge
 Date of Original Sentence: May 9, 2008
 Original Offense: Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B)
 Original Sentence: 60 months imprisonment, 5 years supervised release, \$100.00 special assessment
 Type of Supervision: Supervised Release Date Supervision Commenced: November 8, 2019

PREVIOUS COURT ACTION

Modification: On April 20, 2012, the Court modified Friese's conditions of supervision to include him attending sex offender treatment and to abide by all program rules and requirements, to include polygraph testing.

Modification: On June 13, 2014, the Court modified Friese's conditions of supervision to include him abstaining from the use of alcohol and all other intoxicants during the term of supervision. Additionally, the Court ordered the offender to refrain from (1) consuming any alcohol; (2) working or residing at a place where alcohol is kept; and (3) visiting any bar, nightclub, tavern, lounge, pub, strip club, pool hall, honky tonk, liquor store, or any establishment whose primary purpose is the sale or provision of alcohol.

Modification: On June 22, 2015, the Court modified Friese's conditions of supervision to include computer conditions. Additionally, the Court ordered the offender be subject to the sex offender search condition.

Revocation: On May 26, 2016, the Court revoked Friese's term of supervised release and sentenced him to a period of imprisonment of three weeks and reimposed supervised release for a term of five (5) years. It was further ordered that all previously imposed conditions of supervised release be reimposed.

Revocation: On January 12, 2017, the Court revoked Friese's term of supervised release and sentenced him to a period of imprisonment of three months and reimposed supervised release for a term of three (3) years, to include 6 months GPS monitoring. It was further ordered that all previously imposed conditions of supervised release be reimposed.

Revocation: On August 21, 2019, the Court revoked Friese's term of supervised release and sentenced him to a period of imprisonment of four months and reimposed supervised release for a term of two (2) years. It was further ordered that all previously imposed conditions of supervised release be reimposed.

Joseph Stephen Frieese
SA-07-CR-73(1)-FB
January 14, 2020
Page 2

NONCOMPLIANCE SUMMARY

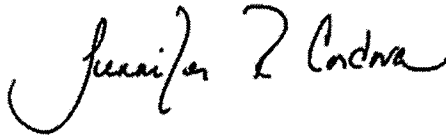
The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<p><u>Standard Condition No. 7:</u> The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.</p> <p>Frieese tested positive for amphetamines on December 16, 2019. This sample was also diluted. Laboratory testing confirmed the use of methamphetamine. Additionally, Frieese signed the admission form admitting to methamphetamine use.</p> <p>Frieese tested positive for amphetamines on December 27, 2019. Frieese signed the admission form admitting to methamphetamine use.</p> <p>Frieese failed to submit to urinalysis testing on January 10, 2019 as directed. Frieese admitted he would have been positive for methamphetamine on that date and admitted to attempting to alter the results of the test by a method of flushing out his system. He failed to arrive on time to the testing facility in order to take the test.</p>

U.S. Probation Officer Action: Frieese was released from imprisonment on November 8, 2019 to commence his fourth term of supervised release on the above-listed conviction. He has been unsuccessful on past periods of supervision for various violations, but all included abuse of alcohol or methamphetamine. Following the positive, diluted and missed tests in the past month, the offender was questioned regarding his substance abuse. For the first time since supervising this offender, he appeared to be fully forthcoming about his substance abuse, admitting that he has a drug problem and that he is addicted to methamphetamine. Due to his willingness to admit his violations, along with his willingness to admit to his substance abuse problem, he was given the opportunity to check himself into an inpatient substance abuse facility. The U.S. Probation office has put forth a great deal of financial resources toward this offender's rehabilitation in the past, so the offender was instructed that he must pay for the inpatient treatment through his insurance for this sanction to be acceptable. He has agreed to enter a substance abuse facility by January 15, 2020, and successfully complete the program, along with any aftercare that is appropriate. He was informed of the statute dictating mandatory revocation for four positive urinalyses in the period of a year and that additional chances could not be given to remain on supervision in the community. He was notified that any further positive drug screens would result in a request for Court action. Should the Court agree with the above course of action in response to the violations noted, any further violations will result in immediate notification to the Court.

Joseph Stephen Frieze
SA-07-CR-73(1)-FB
January 14, 2020
Page 3

Approved:

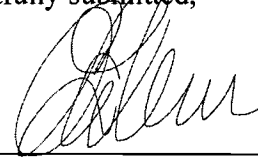


Jennifer R. Cordova
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55365

cc: Sarah Wannarka
Assistant U.S. Attorney

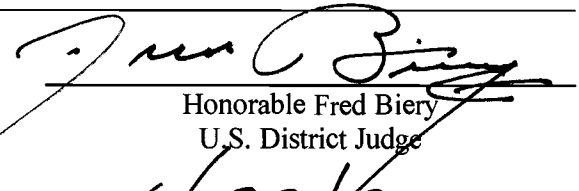
Brenda Trejo-Olivarri
Assistant Deputy Chief U.S. Probation Officer

Respectfully submitted,



Carolyn LaRue
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55369
Date: January 14, 2020

-
- ☒ Approved as submitted.
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons
☐ Other _____
-



Honorable Fred Biery
U.S. District Judge
1/23/20
Date